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Attorney for Defendant
CY IRVING BROWN

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR-S 03-104-MCE
)	
Plaintiff,)	
)	STIPULATION AND ORDER
v.)	
)	
CY IRVING BROWN,)	
)	
Defendant.)	Hon. Morrison C. England, Jr.
)	

Defendant Cy Irving Brown, through his counsel John Balazs, and the United States, through its counsel, Assistant U.S. Attorney Heiko P. Coppola, hereby stipulate and request that the Court vacate the briefing schedule and October 10, 2006 hearing in this case.

In a Memorandum Decision filed March 23, 2006, the Ninth Circuit affirmed Mr. Brown's conviction for armed bank robbery, but remanded for a hearing to determine whether the Court would have imposed the same sentence if it had known at the time that the guidelines would later be found to "advisory" only, pursuant to United States v. Ameline, 409 F.3d 1073, 1074 (9th Cir. 2005). The reason for this

request is that the defendant Cy Irving Brown, after consultation with his attorney, waives his right to have his sentence reconsidered under Ameline, and instead he elects to stand on the sentence originally imposed by the Court.

Mr. Brown's signed statement waiving his right to re-sentencing is attached to this stipulation as Attachment 1.

Dated: August 13, 2006

Respectfully submitted,

/s/ John Balazs
JOHN BALAZS

Attorney for Defendant
CY IRVING BROWN

Dated: August 13, 2006

McGREGOR W. SCOTT
U.S. Attorney

By: /s/ Heiko P. Coppola
HEIKO P. COPPOLA
Assistant U.S. Attorney
[signed with permission]

ORDER

IT IS SO ORDERED. The October 10, 2006 hearing on re-sentencing is hereby vacated.

Dated: August 14, 2006


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE